

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 7, 2003 (Paper No. 26). Claims 39 to 54 have been added to the application, while Claims 15, 16, 18 to 23 and 25 to 38 have been canceled herein. Claims 39, 45 and 51 to 54 are the independent claims. Reconsideration and further examination are respectfully requested.

Claims 15, 16, 18 to 23 and 25 to 38 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Patent No. 5,787,288 (Nagata) and U.S. Patent No. 6,341,373 (Shaw); Claims 15, 16, 18 to 23 and 25 to 38 were rejected under § 103(a) over Nagata in view of U.S. Patent No. 5,968,141 (Tsai) and further in view of Shaw; Claims 15, 16, 18 to 23 and 25 to 38 were rejected under § 103(a) over Nagata in view of Shaw and further in view of U.S. Patent No. 5,987,535 (Knodt); and Claims 18 to 20, 25 to 27, 32 and 33 were rejected under § 103(a) over combinations of Nagata, Shaw, Knodt and U.S. Patent No. 5,590,373 (Whitley). Without conceding the correctness of these rejections, Applicants have canceled Claims 15, 16, 18 to 23 and 25 to 38 without prejudice or disclaimer of the subject matter contained therein. Accordingly, these rejections have been rendered moot.

Among the features claimed in new independent Claims 39, 45, 52 and 53, each of these claims includes the limitation of informing a user that the image forming apparatus is under download of data during execution of rewrite execution codes instead of displaying copying settings. The applied references are not understood to disclose or suggest this feature of the present invention.

The Office Action cited Nagata's disclosure of using a display unit or a warning indicator to alert that an apparatus control program is being renewed. See column 5, lines 25 to 33. However, this portion of Nagata is not understood to explicitly disclose that a user is informed that the image forming apparatus is under download of data, rather, this portion merely states that an indication that a control program is being renewed. Furthermore, nothing in Nagata is understood to disclose or suggest that this indication that a control program is being renewed is displayed instead of displaying copying settings. Therefore, Nagata is not understood to disclose or suggest at least the feature of informing a user that the image forming apparatus is under download of data during execution of rewrite execution codes instead of displaying copying settings.

(Renewal
include
download
- per Nagata)

None of the other applied references, namely Shaw, Tsai, Knodt or Whitley are understood to disclose or suggest anything to remedy the foregoing deficiencies of Nagata. Accordingly, new independent Claims 39, 45, 52 and 53 are believed to be allowable over the applied references.

Among the features of new independent Claims 51 and 54, each of these claims includes the limitations of determining, after a power supply is turned on, if rewriting of control codes has suspended or failed, and determining which one of a plurality of code memories was being rewritten if it is determined that rewriting of control codes has suspended or failed. In this manner, the control codes in the determined one of the plurality of code memories can be rewritten when rewriting was suspended or failed. The applied references are not understood to disclose or suggest the foregoing features of independent Claims 51 and 54. Accordingly, independent Claims 51 and 54 are believed to be allowable over the applied references.

The other claims in the application are dependent from the independent claims mentioned above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California, office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,


Attorney for Applicants

Registration No. 50,957

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

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